IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 838 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/09/2004 in WP NO : 2189 OF 1996 on the file of the High Court.)

Between:

1 The A.P.S.R.T.C. rep. by its Chairman and Managing Director,

Musheerabad, Hyderabad.
2 Chief Medical Officer, APSRTC Hospital Tarnaka, Hyderabad.
3 Regional Manager, AP.S.R.T.c. Karimnagar Region, Karimnagar.
4 Asst.Medical Officer, A.P.S.R.T.C Dispensary, Karimnagar.

..... APPELLANTS

AND

G.Sambaiah, S/o.Gopalam
Jagityal Depot, Karimnagar District.

.....RESPONDENT

Counsel for the Appellants :SMT.P.RAJANI REDDY

Counsel for the Respondent: MR.A.GIRIDHAR RAO

The Court made the following :

JUDGMENT (Per the Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the respondents-appellants herein aggrieved by the order of the learned single Judge in W.P.No.2189 of 1996, dated 23.9.2004, under which the said writ petition was allowed directing the appellants to reimburse an amount of Rs.27,000/- for the medical expenses incurred by the writ petitioner.

The respondent herein is the writ petitioner and he is a Traffic Inspector-II in A.P.S. R.T.C. He filed the writ petition seeking a direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents-appellants in withholding the medical reimbursement to the petitioner as illegal, arbitrary and to direct for reimbursement of Rs.27,000/- to the petitioner. The learned single Judge having observed that the writ petition was filed on 29.1.1996 and no counter has been filed and in the absence of any such denial the claim of the petitioner must be considered as established and genuine, allowed the writ petition directing the respondents-appellants to reimburse an amount of Rs.27,000/- to the writ petitioner. Having aggrieved by the same, the present writ appeal is preferred by the respondents-appellants herein.

Heard the learned counsel on either side.

It is contended by the learned counsel appearing on behalf of the appellants that the learned single Judge ought to have given an opportunity to the respondents-appellants to elicit the facts in the counter. It is further contended that the claim of the writ petitioner cannot be granted in view of the fact that the writ petitioner took treatment in private hospital without being referred by the A.P.S. R.T.C. Doctors.

We have perused the order impugned. The writ petition has been filed in the year 1996 and the same was disposed of on 23.9.2004. During this interregnum period, no counter has been filed by the respondents-appellants denying the assertions made by the writ petitioner. As rightly observed by the learned single Judge, in the absence of any such denial, the petitioner's assertions, allegations and the claims must be considered as established and

genuine. At this stage of the proceedings, the appellants cannot contend that they ought to have been given an opportunity to file their counter. Therefore, we do not see any illegality or irregularity in the order of the learned single Judge and the appeal is liable to be dismissed.

Accordingly, this writ appeal is dismissed. No costs.

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Justice T.Meena Kumari

13th June, 2005.

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Justice P.Lakshmana Reddy

Gurc.

To

1. **The Chairman & Managing Director, A.P.S.R.T.C., Musheerabad Hyderabad.**
2. **The Chief Medical Officer, A.P.S.R.T.C Hospital, Tarnaka, Hyderabad.**
3. **The Regional Manager, A.P.S.R.T.C., Karimnagar Region, Karimnagar.**
4. **The Assistant Medical Officer, A.P.S.R.T.C., Duispensary, Karimnagar**
5. **Two C.D. copies.**

6. G. Sambaiah, S/o Gopalam, Jagtial Depot, Karimnagar District.